THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No :25981 of 2007

DATED: 06-12-2007

BETWEEN:

Smt Kamalamma & another.

..... PETITIONERS

AND

The Commissioner of Endowments,
Endowments Department,
Tilak Road,
Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

The matter is coming up for admission.

Heard Smt.Rajeswari, learned counsel representing Sri P.Venugopal, learned counsel for writ petitioners; learned Government Pleader for Endowments; and Sri V.T.M.Prasad, representing the respondents.

2. Smt. Rajeswari, learned counsel representing the writ petitioner, had taken this Court through the contents of the affidavit filed in support of the writ petition and also had drawn the attention of this Court to the order made in W.P.No.18492 of 2004, dated 03-11-2004, and would maintain that though the representation, as such, had not been disposed of, the respondents 3 and 4 are threatening the petitioners and disturbing their activities concerned with the institution in question.

3. Learned Government pleader for Endowments however had drawn the attention of this Court to the order made in the prior Writ Petition and would maintain that unless the other conditions specified under Section 35(2) of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (hereinafter referred to as 'Act' for the purpose of convenience) are satisfied there is no question of considering the case of the writ petitioners. Even otherwise in the facts and circumstances of the case, it

would be just and proper to direct the 1st respondent to look into the grievance of the petitioners and take appropriate decision in this regard in the light of the provisions of the Act aforesaid.

4. Sri V.T.M.Prasad, learned standing counsel representing R3 and R4, however, would maintain that alternative arrangements have already been made, as can be seen from the order which had been made in the prior Writ Petition.

5. Heard the counsel.

6. It is stated that both the Writ Petitioners are sisters and they belong to Kaikala Reddy family, a family who have been the residents of Tirupati for years now. Late Kaikala Krishna Reddy was immediate senior most of Kaikala Reddy family who was performing archakathvam service to the Goddess 'Tallapaka Gangamma'. Since he is no more, the petitioners, being his legal representatives, are entitled to render the said service. It is further submitted that the family of Kaikala Reddy is a recognized Mirasi holder in Turumala Tirupati Devasthanam temple both at Tirupati and Tirumala and the said service is very ancient one and well recognized for the purpose of getting honours as Mirasidars. Since the petitioners herein are Mirasidars they are entitled for grant of honours by successive rulers, now the Tirumala Tirupati Devasthanam.

7. Further, it is stated that just as every other Mirasidar of Tirumala Tirupati Devasthanam even the non-brahmin Mirasidars were also entrusted with puja service in some of the temples and

in the same manner our Kaikala Reddy family have been entrusted with the management of Goddess Sri Tallapaka Gangamma temple and worship of Goddess

Sri Tallapaka Gangamma. The family of Kaikala Reddy has been functioning as Pujaris since the deity of Tallapaka Gangamma is a tutelary deity (Grama Devatha) and represent the feminine phenomenon of idol worship. Even ladies are competent to render worship in that temple and it has been the practice, custom, and usage in the same temple and the women folk of Kaikala family have been rendering service by ably assisted male members of the family in rendering puja. The said puja is performed according to the family arrangements and turns. There are also customary honours received from the temple of Sri Govindaraja Swami, a Tirumala Tirupati Devasthanam temple at Tirupati, since the tradition and belief is that Goddess Gangamma is 'shakti' and sister of Lord 'Vishnu' and therefore sarees, garlands, kumkuma, turmeric etc., are sent from the temple of Lord

Sri Venkateshwara, Tirumala during the intervening Friday during the seven days of Jatara festival conducted, preferably in the month of May every English calendar year.

8. It is also further stated that the said Archakatwam service in the said temple has been hereditary since the time immemorial. The method and manner of worship are specific and only the members of Kaikala Family alone have the benefit of rendering puja, who know about all these facts and so also the peculiar customs, usage, and tradition of the temple. No other person belonging to any other community or caste can claim any right to

worship as Pujari in the said temple. If any innovation is made by introducing persons to do worship who does not belong to Kaikala family (Kaikala Reddy Community) which is denomination community, it will be an act of sacrilege and would cause pollution and defile the idol. The family members of the petitioners have been rendering the said service and in fact, the father of the petitioners died at the age of 80 by the time the hereditary rights were abolished under the A.P.Endowments Act, 30/1987. Their father was rendering service and he rendered service even after the delivery of judgment by the Hon'ble Supreme Court of India. The petitioners were assisting him and in fact, doing service under his guidance. There are no other family members of Kaikala family still available and alive, moreso, on the date of commencement of Act 30/1987.

9. It is further stated that under Section 34(2) of the Act, all the hereditary Mirasidars, who were rendering service on the date of commencement of the Act, shall notwithstanding the abolition of hereditary rights continue to hold such office or post on payment of only such emoluments and subject to such conditions of service referred to in sub-section (3) and (4) of Section 35 of the Act.

10. Further, it is stated that it is pertinent to submit that in the year, 2004 when the 2nd respondent issued a telegram, dated 07-03-2004, directing the petitioners to permit one N.Venkateswarlu to render service in the said temple, they filed a writ petition vide W.P.No.18492 of 2004 before this Court, and this Court by order, dated 03-11-2004, disposed of the same giving

liberty to the petitioners to make appropriate representation before the 1st respondent, and the 1st respondent may pass appropriate orders in accordance with law after hearing them and the 3rd respondent in the said writ petition as expeditiously as possible preferably within a period of eight weeks from the date of such representation.

11. It is stated that in obedience of the said order of this Court, they have made a representation and till date the same has not been disposed of. Even the representation made in terms of the order of this Court is still pending consideration. Despite the same, the petitioners are sought to be replaced. The fact of making representation in terms of the order of this Court has been repeatedly mentioned in the registered legal notices issued and there is no denial of representation made by the petitioners in their reply notices and till the respondents have not informed any decision taken on the representation.

12. Be that as it may, the Government constituted a Board in respect of the said temple. The 3rd respondent being Chairman of the Board with the active aid and help of the 4th respondent is threatening the petitioner that their services are no more required in the temple and they would be replaced by Brahmin Archakas and are causing physical obstructions. Petitioner submits that there is a Hundi in the said temple and the entire collections go to the temple. The petitioners are paid Rs.2000/- per month for both towards their salaries and for Padithanam. They themselves prepare food, purchase camphor, kumkumas, and Abhishekham

items from out of the amount which is paid as salary. The petitioners are not paid any other amount except the meager amount of Rs.2000/- per month as salary.

13. Since there is threat of ousting from the post of Archaka, the petitioners got issued a legal notice on
13-08-2007 and till date there is no response, but the respondents 3 and 4 are orally threatening that the notice does not deserve any reply. Even when the 4th respondent wanted some particulars about certain pending litigations between them and third parties, clarification was given through notice, dated 29-08-2007. *In spite* of receiving the said clarification the threat of oust is being continued.

14. It is also stated that the respondents being State have to act justly and reasonably. The respondents 3 and 4 cannot take law into their hands by threatening the petitioners that they would be ousted from service and would be replaced by Brahmin Archakas. Knowing fully well that they have no right to interfere with the Archakatwam service rendered by the petitioners to the said temple, they are not inclined to pass any order in writing and taking advantage of the petitioners being women, they are causing physical obstructions. Petitioners submit that till date the representation of the petitioners has not been disposed of by the 1st respondent. Even the attempt of the 2nd respondent to bring a third person as Archaka did not fructify. The respondents 3 and 4 are hell-bent to remove the petitioners from Archakatwam. If interim orders are not passed in favour of the petitioners, the

petitioners shall suffer irreparable loss and injury. *In spite* of the representation made by them in terms of the order of this Court is pending consideration, the petitioners are sought to be replaced highhandedly. In such circumstances, petitioners approached this Court praying for appropriate reliefs.

15. In W.P.No.18492 of 2004 on 03-11-2004, this Court made the following order:

> "In the circumstances, the Writ Petition is disposed of leaving it open to the petitioners to make an appropriate representation before the 1st respondent-Commissioner of Endowments, Hyderabad for redressal of their grievance that the alleged telegram issued by the 2nd respondent is unsustainable. If any such representation is made, the 1st respondent may pass appropriate orders in accordance with law after hearing the petitioners as well as the 3rd respondent as expeditiously as possible preferably within a period of eight weeks from the date of such representation from the petitioners. No Costs".

16. It is brought to the notice of this Court that 1st respondent had not considered the said representation *in spite* of a request which had been made by the petitioners.

17. In the light of the specific stand taken by the writ petitioners this Court is of the considered opinion that the 1st respondent has to consider the representation in accordance with the provisions of

the Act and the rules governing in the field. Let the 1st respondent consider the representation of the petitioners and take appropriate decision within a period of eight weeks from the date of receipt of this order. Till then, *status quo* existing as on today to be maintained.

18. Writ Petition is disposed of accordingly. No order as to costs.

P.S.NARAYANA,J

06thDecember, 2007.
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